

# **Explanation of requested changes**

14-26 Adding a definition to explain 14-114

14-42 Changing harbormaster employment date to align with the Town Charter.

14-101 Giving the commission and harbormaster authority to remove moorings if needed.

14-106 Adding email address to allow for another way of contact.

14-114 An explanation of the procedure to remove moorings that are unsafe, unmarked, or not authorized.

14-171 A redirect for illegal mooring removal.

14-177 Change to allow for concrete specifications

14-218 To allow harbor patrol officers the ability to protect and maintain Tiverton waters.

# Recommended changes to the Municipal Code

Part III Chapter 14 Article II Division 1 Subdivision IV Section 14-26

**“Illegal Mooring”: A Mooring placed in town waters without authorization of the Harbormaster. A Mooring and or its tackle not properly identified (mooring # and weight) or maintained will also be classified as an “Illegal Mooring”.**

Part III Chapter 14 Article II Division Section 14-42

The harbormaster is a salaried, year round, and council annually appointed position. ~~Recommendations for harbormaster shall be submitted to the council by October of each year by the T.H.C.W.M.C.~~ When a new harbormaster is to be appointed **the selection process shall comply with the provisions of the Town Charter concerning the hiring of municipal employees. The Chairman or a member of The Commission, as designated by the Chairman of the Harbor Commission, shall be invited to the Harbormaster will interview. After the Personnel Board has chosen their top three applicants The Commission shall make a written recommendation** and ~~create a list of three or more names of resident applicants which will be ranked in order of the commission's preference. A~~ **with appropriate** commentary designed to assist the **Town Council with their choice for Harbormaster** will accompany the listing. The harbormaster is responsible for implementing and enforcing T.H.C.W.M.C.'s decisions and policies. Salary for the harbormaster shall be part of the annual budget request for the harbormaster's office. The term of the harbormaster appointment shall be on a calendar year from January 1 to December 31.

Part III Chapter 14 Article II Division 4 Subdivision I Section 14-101

Mooring locations are assigned by the town. The authority to assign moorings and to create this division derives from the state coastal resources management commission and the council. Responsibility for the assignment of mooring locations and the issuance of permits to place mooring tackle lies with the commission and is carried out in their behalf by the harbormaster. **Mooring assignments are a privilege/property right that can only be revoked by the Harbormaster only after due process.**

Part III Chapter 14 Article II Division 4 Subdivision I Section 14-106

Applications **and renewals** for mooring locations should contain the following information:

- (1) Name, address, and telephone numbers, **and email address** of the applicant.
- (2) Name of vessel, type, color, LOA, displacement beam draft, registration number/documentation.
- (3) Type and weight of mooring, chain and other tackle.
- (4) Name of individual and/or company placing and inspecting the ground tackle (if owner, so indicate).
- (5) Type of head, if any, on board.
- (6) Access to mooring (non-riparian owners must provide a document from the owner of shore property being used for access to the mooring). Authorized local access and a legal parking area is required.
- (7) Priority of applicant according to the schedule set forth in section 14-107.

Part III Chapter 14 Article II Division 4 Subdivision I Section 14-114

~~Illegal moorings shall be hauled by a private contractor at the request of the harbormaster. This contractor will store the moorings until the currently required storage fee approximates the value of the tackle being stored. The contractor will then be entitled to seek title through normal legal channels.~~ **Illegal moorings will be tagged by the Harbormaster. It is the owner's responsibility to contact the Harbormaster and to repair or remove the mooring. If the mooring is properly labeled then the Harbormaster will try to contact the owner first by telephone and then by mail using the information provided on the renewal or application. If after 60 days the owner has not been identified or defects not been corrected a private contractor will note the GPS coordinates of the mooring and remove the float from the chain dropping the chain to the bottom. The float will then be turned over to the Harbormaster with the GPS coordinates of the remaining tackle. If the owner is not identified and all fees not paid by May 1 of the following year the private contractor shall have the float and shall retrieve the remaining tackle, within 30 days of notification, as that mooring will be listed as abandoned. Please note that it is the owner's responsibility to retrieve the dropped chain, using the original contractor and paying normal contractor rates, and not the responsibility of The Town or Harbormaster as the mooring was illegal. The GPS location of the removed mooring and tackle will then be offered to the next person on the waiting list.**

Part III Chapter 14 Article II Division 4 Subdivision IV Section 14-176(a)

No mooring shall be placed in the waters of the town without approval. Illegal moorings will be removed ~~at the owner's expense~~ **as per section 14-114 of this code.**

Part III Chapter 14 Article II Division 4 Subdivision IV Section 14-177

**Minimum mooring specifications (Steel **Mushroom** anchors **and Concrete Blocks**)**

The following are mushroom anchor and tackle specifications deemed to be the minimum recommended for holding in the town's mooring areas. Exceeding these minimum values is always recommended. **For concrete note the holding power is inferior to a mushroom, because of this double plus the weight recommended for a mushroom anchor (Note: this recommendation comes from URI Publication ES3040 and Sea Grant Publication P1288). In the Basin because of high current and limited area concrete air weight will be discounted to 25% (i.e. a 4000lb block = 1000lb weight = 500lb Mushroom Anchor).**

TABLE INSET:

Boat Length (in feet)	<b>Steel Mushroom Anchor</b> (in pounds)	Chain Diameter (in inches)	Pennant Size (in inches)
Under 16	75	3/8	1/2
16--19	150	3/8	1/2
20--22	200	1/2	5/8
23--25	250	1/2	5/8
26--30	300	1/2	3/4
31--35	400	5/8	3/4
36--40	500	3/4	7/8
41--50	600	3/4	1
51--65	750	1	1 1/4

Boats greater than 65 feet in length shall comply with the harbormaster's directions.

Part III Chapter 14 Article III Division 1 Section 14-218

The town harbormaster, assistant harbormaster, **harbor patrol officers**, and police officers **accompanied by harbor patrol officers** are authorized by the council to stop and board any vessel subject to this article, and make arrests under the provisions of this article and shall have the power to:

- (1) Enforce all laws, rules and regulations pertaining to town ordinances and state laws.
- (2) Execute all warrants and search warrants for the violation of ordinance laws, rules and regulations relating to town ordinances.
- (3) To arrest any person, without a warrant and **with probable cause** ~~on view~~, any person violating any ordinance, law, rule or regulation relating to this article.